REMARKS

Claims 1-10, 12-35, 48-50 and 52 are pending.

Provisional Double Patenting

As indicated by the Examiner, Applicants will address the provisional double patenting once all other rejections are withdrawn.

Obviousness - Prima Facie Case Of Obviousness Not Made

Claims 1, 2, 12-15, 17, 19-23, 25, 27, 28, 31-35, 48, 49[1], and 52 stand rejected under 35 USC §103 over U.S. Patent No. 5,780,426 ("Palladino") in view of U.S. Patent No. 6,331,285 ("Sharma"). Applicants respectfully traverse the rejection.

Applicants' independent claim 1 recites in part:

A compound, comprising: a targeting moiety and a chelator, wherein the targeting moiety **is bound to the** chelator, is a peptide or peptidomimetic, and binds to a receptor that is upregulated during angiogenesis, the receptor is $\alpha_V\beta_3$, and the compound **has a linking group between** the targeting moiety and chelator, ...

Applicants' independent claim 52 recites:

A compound comprising a peptide or peptidomimetic $\alpha_V\beta_3$ receptor targeting moiety **bound to a** chelator.

The Office action correctly states on page 4 that Palladino et al does not disclose a specific species having all of the components (chelator, linker, and peptide). In addition, Applicants note Palladino fails to describe a chelator bound to a targeting moiety. In the present rejection, the Sharma reference is cited to attempt to remedy the lack of disclosure by the Palladino reference.

The Sharma reference relates to conformationally fixed peptides and metallo-constructs that have a metal ion binding backbone (col. 1, field of invention), in other words, a metal is attached to O, N, or S, atoms present in the backbone or side chains of the peptide. Thus, Sharma also fails to teach a "targeting moiety **bound to**" a chelator. Therefore, even

1 Applicants request clarification on the status of claim 50.

when combined, the references fail to teach all limitations of the claims. As such, the rejection is improper[2].

Moreover, contrary to the Office actions assertion, there appears to be no motivation to combine the Palladino reference and the Sharma reference. Palladino has a **non-RGD** $\alpha_V\beta_3$ targeting moiety that does not appear to be conformationally fixed. Sharma has a **conformationally fixed RGD** containing peptide. Applicants do not believe that there is any permissible motivation to combine references with such opposite teachings.

If the Examiner has any questions, the Examiner is invited to call the undersigned representative at (215) 568-3100.

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[2] Additionally, the Office Action states that Sharma teaches a spacer that "may be incorporated **into peptides.**" In contrast, Applicants' claim 1 specifically recites that "the compound has a linking group **between the targeting moiety and chelator**" and thus that limitation is not met, regardless of the linking group identity.